

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

March 3, 2008
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Cindy Swenson, Jim Dokken, and Steven Gardner; Present 8, Absent 1 - Rick Fagerlie was excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Additions to the Agenda included an announcement regarding the Board of Appeal and Equalization.

The Council requested the Planning Commission Minutes be removed from the Agenda.

Council Member DeBlieck offered a motion adopting the Consent Agenda which included the following: City Council Minutes of February 19, Rice Hospital Board Minutes of February 13, Convention & Visitors Bureau Minutes of January 15, Police Commission Minutes of February 4, and Senior Citizens Council Minutes of February 6, 2008. Council Member Reese seconded the motion, which carried.

The Council discussed Item No. 5 of the Planning Commission Minutes regarding land that had been rezoned as the site for the pelletizing plant off of Civic Center Drive NE and returning the land back to an agricultural zone. Following an explanation of the process by Planning and Development Services Director Peterson, the Planning Commission Minutes of February 27, 2008, were approved as presented upon motion by Council Member Christianson, seconded by Council Member Dokken, and carried.

At 7:08 p.m. Mayor Heitke opened a hearing on the 2008 Street and Other Improvement Projects. Public Works Director Odens presented to the Mayor and Council the details of the individual streets proposed for reconstruction, mill and overlay, underground utility work, new construction, street lighting, and miscellaneous work. Ken Inslemann, representing Bus Barn LLC, acknowledged his west property line was in the project, but he was asking for relief from pending assessments because he was assessed in 2005, and had gifted land to the 2005 project. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:28 p.m.

Council Member Swenson asked for the reading of Garfield School neighborhood questions regarding a proposed detention pond. Staff presented a rendering of the proposed detention pond. City Administrator Schmit addressed developer projects that were lacking plat approvals, such as Landmark Business Park, and was recommending that the Council require those projects to be cash agreements and excluded from the bonding proposal.

Following discussion, Council Member Christianson moved to introduce Resolution No. 1 ordering the 2008 Street and Other Improvements (and directing preparation of final plans and specifications) excluding Westwind Estates Third Addition, pending the outcome of the appeal before the Zoning and Appeals Board. Council Member Swenson seconded the motion, which failed on a roll call vote of Ayes 3, Noes 4 – Council Member Reese, Anderson, Gardner, and DeBlieck voted “No.”

Council Member Reese moved to introduce Resolution No. 1 ordering the 2008 Street and Other

Improvements (and directing preparation of final plans and specifications) requiring Landmark Business Park project be a cash agreement. Council Member DeBlieck seconded the motion, which failed on a roll call vote of Ayes 4, Noes 3 – Council Member Christianson, Dokken, and Swenson voted “No.”

Mayor Heitke called for a recess at 7:54 p.m. and reconvened the meeting at 8:02 p.m.

Mayor Heitke acknowledged Terrill Reimer and Laura Becker who had signed up to address the City Council during its scheduled Open Forum. Mr. Reimer discussed the proposal to abolish the Police Commission in favor of a Police Advisory Board, and Ms. Becker talked about meeting notice publications on the City's webpage.

The Labor Relations Committee Report for February 27, 2008, was presented to the Mayor and Council by Council Member Gardner. There were six items for Council consideration.

Item No. 1 Community Education and Recreation Director Brisendine was present to discuss proposed changes to the Joint Powers Agreement between the City and School District to provide Community Education and Recreation programs. Specifically, Mr. Brisendine requested Council consideration to modify the composition of the Joint Powers Board. The Board membership currently includes five members appointed by the City Council, five members appointed by the School Board, and two students (one each from the Junior and Senior High Student Councils). Noting that it was difficult for the students to attend regular Board meetings and acknowledging the students' reluctance to participate in the discussions and decision-making process, it was recommended that the students be replaced by two additional adult members. The Board would strive to find other ways of involving students in the overall process of governing Community Education and Recreation. It was noted the Community Education and Recreation Joint Board has approved of this concept.

The Committee was recommending the Council approve of the revised board membership as proposed. Council Member Gardner moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

Item No. 2 City Administrator Schmit presented to the Committee a recommendation to upgrade the Appraiser position from Range 5 to Range 6 and reviewed the process for re-evaluating position classifications. Chairman Gardner noted that a second recommendation to upgrade the Appraiser II position from a Range 4 to Range 5 had been inadvertently omitted from the recommendation to Committee, and was recommending to the Council adoption of both Appraiser position upgrades.

Following discussion, the Committee was recommending the Council approve of the change to the Appraiser and Appraiser II positions as presented. Council Member Gardner moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

Item No. 3 The Committee reviewed a memorandum from City Clerk Halliday regarding the recent establishment of a Post Retirement Health Savings Program which provides tax shelters for severance packages to employees leaving City employment in good standing. The severance package includes accumulated vacation and portions of accumulated sick leave. The City had adopted a program similar to a Willmar Municipal Utilities program giving employees a choice in the severance payout options. Following further review, it was determined that individual choice is not allowed in the process of retirement health care service plans and the Committee was advised the recent severance choice policy should be retracted.

The Committee was recommending the Council act to retract its previously approved actions on severance payouts. Council Member Gardner moved to approve the recommendation of the Labor Relations Committee with Council Member Dokken seconding the motion, which carried.

Item No. 4 The Committee reviewed correspondence from the Minnesota Department of Human Relations requiring that the City of Willmar revise its Nepotism Policy so that it is consistent with the Minnesota

Human Rights Act. Essentially, MDHR asserts that a conflict exists in the discussion of married employees serving within the same department. It was noted during the explanation of the City's policy that the simple solution to this problem would be to delete the last sentence of the Nepotism Policy dealing with single employees within a department who subsequently marry.

The Committee was recommending the Council revise the City's Nepotism Policy as proposed. Council Member Gardner moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

Item No. 5 The matter of the Police Civil Service Commission was referred to the Labor Relations Committee from the full Council. Committee Members, Staff, and a representative of the Police Commission discussed the pros and cons of abolishing the Police Civil Service Commission in favor of a Police Advisory Board. The concept has been endorsed by the City Administrator, Police Chief, and Law Enforcement Labor Services, Inc. representing the Police Officers.

The Committee was recommending that the Council abolish the Police Civil Service Committee and replace it with a Police Advisory Board. Council Member Gardner moved to approve the recommendation of the Labor Relations Committee with Council Member Reese seconding the motion. Council Member Gardner then moved to table the matter until such time that all eight Council Members were in attendance. Council Member Anderson seconded the motion, which carried.

Item No. 6 City Administrator Schmit presented a brief explanation of the City's Pay Equity Program and recent compliance report submitted to the Department of Employee Relations. This matter was for information only.

The Labor Relations Committee Report for February 27, 2008, was approved as presented upon motion by Council Member Gardner, seconded by Council Member Reese, and carried.

The Community Development Committee Report for February 28, 2008, was presented to the Mayor and Council by Council Member Dokken. There were two items for Council consideration.

Item No. 1 The Committee discussed efforts to locate a veterans home in Willmar. Pre-design was completed two years ago by Engan Associates. Steve Renquist, EDC Director, and Council Member Dokken recently presented testimony to a Senate Committee on the benefits of a Willmar location for a veterans home.

The estimated project cost for the proposed 90-bed home is \$22.6 million and Project financing is to be split 65 percent Federal and 35 percent local/State. Willmar has been named specifically at the Federal level. State bonding for the 35 percent local/state share has been proposed and introduced.

Steve Renquist, Director of the City/County EDC, reviewed materials presented to the Senate Committee. Mr. Renquist led discussion about local efforts to site the facility in Willmar. To date those efforts have focussed on the benefits of Willmar due to its mental health care advantages. This is consistent with the stated desire to construct a facility to provide psycho-geriatric or forensic care. Local efforts to address traumatic brain injuries were also highlighted. The Committee discussed pursuing a mix of skilled and psycho-geriatric beds. Mr. Renquist said that the mix of beds would be determined by the State.

It was noted that the City of Montevideo had submitted a proposal for a 90-bed skilled care veterans facility and that their offer included payment of 100 percent of the local/State share. The source of that funding was unknown.

The Committee was recommending the Council go on record for as fully supporting a veterans care facility in the greater Willmar area. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member Anderson seconding the motion, which carried.

Item No. 2 Staff provided updates to the Committee on a number of commercial, industrial, and residential projects. Included in the report was the new assisted living facility, Slumberland Furniture, Walgreens, Westwinds Third Addition plat, industrial park expansion and status of the comprehensive plan.

The Community Development Committee Report for February 28, 2008, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Swenson, and carried.

City Clerk Halliday presented to the Mayor and Council Right-of-Way Plat No. 10 prepared by Bonnema Survey to be used as the legal description of parcels to be acquired for the proposed Waste Water Treatment Plant conveyance (interceptor sewer and force main) corridors. Following discussion, Resolution No. 1 was introduced by Council Member DeBlieck, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

RESOLUTION APPROVING INTERCEPTOR SEWER RIGHT-OF-WAY PLATS

(For Resolution in its entirety, see City Council Proceedings file dated March 3, 2008, located in the City Clerk's Office)

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration, the final plat of Westwind Estates Third Addition, a 34-lot plat planned for twin and single-family home development by SW Minnesota Housing Partnership. It was noted land has been set aside for parkland as well as water retention ponds. Council Member Reese moved to approve the final plat for Westwind Estates Third Addition with Council Member Gardner seconding the motion, which carried on a roll call vote of Ayes 4, Noes 3 – Council Member Swenson, Dokken, and Christianson voting “No.”

The Mayor and Council considered a premise permit renewal application from the Eagles Aerie 2334. City Clerk Halliday presented details of the premise permit application the Eagles club is making to the Gambling Control Board for the period of July 1, 2008, through June 30, 2010, and noted the local unit of government must approve the application by resolution. Resolution No. 2 was introduced by Council Member DeBlieck, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

REQUESTING THAT THE MINNESOTA GAMBLING CONTROL BOARD APPROVE THE APPLICATION FOR A PREMISE PERMIT FOR THE EAGLES AERIE 2334

WHEREAS, the Eagles Aerie 2334 has applied to the Minnesota Gambling Control Board to obtain a Premise Permit for a Gambling License at the Eagles Aerie 2334, 136 West 6th Street, Willmar, Minnesota;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City approves of the Premise Permit for the Eagles Aerie 2334 and respectfully requests that the State of Minnesota Gambling Control Board approve the Premise Permit to the Eagles Aerie 2334 for the time period of July 1, 2008, through June 30, 2010.

Dated this 3rd day of March, 2008.

